

**STATE OF GEORGIA  
COUNTY OF FULTON  
CITY OF SOUTH FULTON**

**ORDINANCE No. 2017-031**

**ADOPTION OF ADDITIONAL ETHICS ORDINANCES.**

**WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

**WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

**WHEREAS**, the duly elected governing authority of the City is the Mayor and City Council;

**WHEREAS**, the Mayor and City Council deem it essential to the proper operation of a democratic form of government that public officials be, and give the appearance of being, independent, impartial, and responsible to their constituents; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain;

**WHEREAS**, at its inaugural meeting on April 29, 2017, the City Council passed Ordinance No. 2017-003, which contained various provisions establishing municipal laws governing ethical standards of public officers and employees;

**WHEREAS**, at the May 23, 2017 meeting of the Mayor and City Council, the City Council passed a resolution seeking certification of the City as a City of Ethics by the Georgia Municipal Association;

**WHEREAS**, the City Council seeks to revise the existing ethics ordinance;

**THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as follows:

**Section 1:** The City of South Fulton Code of Ordinances, Title 1, Chapter 5, "Ethics Policy" is repealed in its entirety and replaced as follows:

**CHAPTER 5. – CODE OF ETHICS**

**Sec. 1-5001. - Declaration of policy.**

The purpose of this Code of Ethics is to:

- (a) Encourage high ethical standards in official conduct by city officials;
- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the City;

(c) Require disclosure by such officials of private financial or other interest in matters affecting the City; and

(d) Serve as a basis for disciplining those who refuse to abide by its terms.

**Sec. 1-5002. - Scope.**

(a) The provisions of this Code of Ethics shall be applicable to all City Officials as defined in Sec. 1-5003.

(b) Notwithstanding anything herein to the contrary, state law and the City Charter shall be controlling in the event of an actual conflict with the provisions of this Code of Ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the City Charter.

**Sec. 1-5003. - Definitions.**

Solely for the purposes of this Code of Ethics:

(a) *City Official* or *Official*, unless otherwise expressly defined does not include City employees but does mean the Mayor, members of the City Council, Municipal Judges (including substitute judges), City Manager, City Clerk, City Attorney, Heads or Managers of City Departments, and all other persons holding positions designated by the City Charter, as amended. The term "City Official" also includes all individuals, including any City employees, appointed by the Mayor and/or the City Council as appropriate, to serve on City authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the Mayor and/or City Council.

(b) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the City Council or other City board or commission, as well as the discussions or deliberations of the City Council, board, or commission which can or may lead to a vote or formal action by that body.

(c) *Employee* means any person who is a full-time or part-time employee of the City.

(d) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.

(e) *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.

(f) *Remote interest* means an interest of a person or entity, including a City official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general City fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.



(g) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:

(1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or

(2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed:

(A) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or

(B) ten percent of the recipient's gross income during that period, whichever is less;

(3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the City Council; or

(4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

#### **Sec. 1-5004. - Prohibitions.**

(a) No City official shall violate the Constitution or the laws of the United States, the Constitution or laws of the State of Georgia, or the City Charter or Code of Ordinances of the City of South Fulton in performing his or her public duties.

(b) Other than what is required for the proper management and operation of City government, no City official may independently direct the activities of staff or other appointed City Officials to coerce actions in violation of policy directives of the City governing authority.

(c) No City official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the City.

(d) No City official, in any matter before the City Council or other City body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as set forth in Section 3.15(a) of the Charter.

(e) No City official shall act as an agent or attorney for another in any matter before the City Council or other City body.

(f) No City official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.

(g) No City official shall enter into any contract with, or have any interest in, either directly or indirectly, the City except as authorized by state law.

(i) This prohibition shall not be applicable to the professional activities of the City Attorney in his or her work as an independent contractor and legal advisor on behalf of the City.

(ii) This prohibition shall not be applicable to an otherwise valid employment contract between the City and a City official who is not elected (such as, by way of example, a City Manager, or Chief of Police).

(iii) Any official who has a proprietary interest in an agency doing business with the City shall make that interest known in writing to the City Council and the City Clerk.

(h) All public funds shall be used for the general welfare of the people and not for personal economic gain.

(i) Public property shall be disposed of in accordance with state law.

(j) No City official shall solicit or accept other employment to be performed, or compensation to be received, while still a City official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of City duties.

(k) If a City official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the City Council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.

(l) No City official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.

(m) No City official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(n) A City official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.

(o) A City official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.

(p) A City official shall not order any goods and services for the city without prior official authorization for such an expenditure. No City official shall attempt to obligate the City nor give the impression of obligating the City without proper prior authorization.



(q) No City official shall draw travel funds or per diem from the City for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the City therefore.

(r) No City official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of South Fulton nor shall any City official engage in *ex parte* communication with a Municipal Court Judge of the City of South Fulton on any matter pending before the Municipal Court of the City of South Fulton.

(s) No City official shall solicit or accept campaign contributions in any government-owned building.

(t) No City official shall use government owned property for any political or campaign-related use.

(u) No City official shall disclose or release any confidential information acquired by virtue of their office unless required by law or authorized by the City to do so. Nor shall any City official use confidential information for personal or private gain, for themselves, any other person, or business entity.

#### **Sec. 1-5005. – Conflict of Interest.**

(a) A City Official may not participate in a vote or decision on a matter affecting an immediate family member or a person, entity, or property in which the official has a substantial interest. If the City Official determines that a conflict exists, the City Official must explain the conflict and not vote on or participate in the decision.

(b) A City Official who serves as a corporate officer or a member of the board of directors of a nonprofit entity must disclose their interest in said entity to the Mayor and City Council prior to participating in a vote or decision regarding the funding of the entity by or through the City.

(c) Where the interest of a City Official in the subject matter of a vote or decision is remote or incidental, the City Official may participate in the vote or decision and need not disclose the interest.

#### **Sec. 1-5006. – Board of Ethics.**

(a) **Purpose.** The purpose of the Board of Ethics is to review all complaints filed and determine whether there is clear and convincing evidence that a City Official has violated this ethics code.

(b) **Composition.** The Board shall be composed as follows:

(1) **Members.** The Board of Ethics shall consist of three persons, one appointed by the mayor, one appointed by the city council, and the third appointed by the first two above named subject to approval by a

majority of the city council. The third member of the Board of Ethics shall be a member in good standing of the State Bar of Georgia.

(2) **Appointment and Term.** All members shall be residents of the City of South Fulton and shall serve a four-year term.

(c). **Qualifications**

(1) All members of the Board of Ethics shall be residents of the City for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.

(2) No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the City.

(3) Members of the Board of Ethics with any permit or rezoning application pending before the City, or any pending or potential litigation against the City or any City Official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified individual.

(4) No person shall serve on the Board of Ethics who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.

(5) No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the City of South Fulton.

(6) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.

(7) Members shall be prohibited from engaging in city election political activities and from making campaign contributions to candidates in city elections during their terms as Board members and for six months prior to their appointment. A member who violates this subsection shall be punished by removal from Board membership

(d) The members of the Board of Ethics shall serve without compensation.

(e) The city council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.



(f) Members of the Board of Ethics may be removed by two-thirds vote of the city council for cause, including, but not limited to, failure to maintain any requirement for qualification to serve on the Board of Ethics.

#### **Sec. 1-5007. – Procedure.**

(a) All complaints shall be filed in the city clerk's office and a copy shall be forwarded to the Board of Ethics. Complaints may be filed only by residents of the City of South Fulton and any complaint filed by any other person shall be dismissed.

##### **(b) Form of Complaints**

(1) All complaints shall be submitted and signed under oath, shall be legibly drawn, and shall clearly address matters within the scope of this Code of Ethics. The person filing the complaint shall swear under oath at the time of the filing that he or she is a resident of the City of South Fulton, state his or her residence address (post office box is not sufficient) and home phone number, if they have one and if not their business or mobile phone number, if any. The complaint shall be supported by affidavit(s) based on personal knowledge, set forth such facts as would be admissible in evidence, and show affirmatively that the affiant is competent to testify to the matters stated therein. All document(s) referred to in the affidavit shall be attached to the affidavit(s).

(2) A complaint that does not meet the standard required by this ordinance shall be dismissed without prejudice. Repetitive failures to meet the standard imposed by this ordinance shall authorize the Board of Ethics to dismiss the complaint with prejudice.

##### **(c) Investigation of Complaints**

(1) Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.

(2) For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.

(3) Upon completion of its investigation of a complaint, the Board of Ethics is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to

state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.

(4) The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.

(5) The Board of Ethics is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.

(6) Findings of the Board of Ethics shall be submitted to the City Council for action.

(7) Politically-inspired complaints:

(A) Complaints that are submitted against City Officials between the beginning of the qualifying period for a municipal election when the City Official named in the complaint appears on the ballot and the certification of the same municipal election, may be accepted; however, the Board of Ethics may not take any action on the complaint until after the certification of the municipal election.

**(d) Service of Complaint**

(1) The City Clerk shall serve the complaint on the City Official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint.

(2) Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery.

(3) A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses.

(4) The decision of the Board of Ethics shall be rendered to Mayor and City Council within seven (7) calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the City Official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations.

(5) The City Official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the



ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the City Council to act upon any complaint.

**(e) Penalty**

- (1) Any City Official who violates any provision of this Ethics Code shall be subject to public reprimand or censure by the City Council.
- (2) In addition to Section (1), for any City Official who violates any provision of this Ethics Code other than Sec. 1-5012, the City Council may also:

(A) request the resignation of the City Official;

(B) assess a fine pursuant to the following schedule:

- (i) \$500.00 for the first violation within a 12-month period;
- (ii) \$1,000.00 for a second violation within a 12-month period;
- (iii) \$2,500.00 for any violation beyond a second violation within a 12-month period.

(3) If the City Council determines that criminal activity was uncovered during the investigation, they may refer the case to the law enforcement agency with appropriate jurisdiction for further investigation.

(4) No member of the governing authority shall use campaign funds to satisfy any penalty assessed pursuant to this section.

(5) The mayor or any councilmember shall be subject to removal pursuant to Section 2.16 of this charter for:

(i) Failing to pay any civil penalty within 30 days of assessment of such penalty pursuant to this section; or

(ii) Three or more violations of Sec. 1-5004 within a 12-month period.

**(f) Appeal**

(1) Any City Official or complainant adversely affected by the findings or recommendations of the Board of Ethics may obtain judicial review of such decision as provided in this Section.

(2) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Fulton County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedeas.

### **Sec. 1-5008. - Complicity.**

No person shall, directly or indirectly, aid, abet, agree with, assist, encourage or solicit any City Official or a City Official's partner in substantial interest to violate this chapter or to participate in any way in a violation of this chapter with or by another person.

### **Sec. 1-5009. - Reserved.**

### **Sec. 1-5010. - Duty to leave meeting.**

- (a) To avoid the appearance of impropriety, after any City Official or a City Official's partner in substantial interest is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the City Official shall immediately leave the meeting room, except that if the matter is being considered at a public meeting, the City Official may remain in the area of the room occupied by the general public. If a City Official who has a conflict of interest in a matter is present as a member of a body which is to consider the matter, the City Official shall leave his or her regular seat as a member of the body, and not return to it until deliberation and action on the matter is completed.
- (b) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a "consent agenda" on which there is no deliberation, the City Official's conflict has been disclosed, and the City Official abstains from voting on the item.

### **Sec. 1-5011. - Public contracts.**

- (a) The City is prohibited from entering into any contract with a business in which a City Official or a City Official's partner in substantial interest has a controlling interest without full disclosure.
- (b) Any City Official who has or may have a personal interest in any contract shall disclose such interest prior to the first of any of the events set forth in (1), (2), (3), and (4) below:
  - (1) The solicitation of a contract; or
  - (2) The bidding of a contract; or
  - (3) The negotiation of a contract; or
  - (4) The approval by the governing body of a contract.
- (c) In addition to any other remedies available in law or equity, any contract entered into in violation of this section may be voided by resolution of the City Council.
- (d) *Mandatory provision in independent contracts.* When the City contracts with any person to act on behalf of the City as an independent contractor, the contract shall include a provision which binds the independent contractor, as a condition of accepting the contract, to comply with the applicable provisions of this chapter and



Charter. Any question about whether provisions are applicable, including the financial disclosure provisions, may be resolved by a written opinion of the City Attorney or by a decision of the Ethics Board. The governing body, if it deems it necessary or appropriate to do so, may adopt policies or guidelines to further define the circumstances under which any certain provision will or will not apply to independent contractors.

## **Sec. 1-5012. – Recommended Conduct for the Mayor and City Council.**

(a) **Limitations.** No provision of this section shall be interpreted to infringe upon the Constitutional rights of any City Official. This section should be considered recommendations for best practices in representing the City and its governing authority. Because this section lists best practices and not requirements of City Officials, a complaint cannot lie against a City Official for any violation of this section. Any complaint against a City Official filed under this code section shall be dismissed by the Board of Ethics.

(b) **Declaration of Policy.** The public expects and deserves the highest standards of professional conduct from City Officials. The purpose of this section is to encourage a high standard for inter-personal conduct among the members of the City Council and to promote good government in the City of South Fulton. City Council members are agents of the public whose primary objective should be to address the needs of the citizens of the City of South Fulton, and therefore members must observe a code of conduct in their official duties.

(c) **Expectations of City Council Members.** All Council members should:

- (1) Regularly attend and fully participate in City Council meetings;
- (2) Demonstrate respect, kindness, and courtesy to others;
- (3) Prepare in advance of meetings and be familiar with items on the agenda;
- (4) Refrain from the use of technology unless it is germane to presentations on the meeting agenda;
- (5) Represent the City at ceremonial functions at the request of the Mayor;
- (6) Work to ensure public meetings are conducted efficiently;
- (7) Demonstrate honesty and integrity in all actions; and
- (8) Avoid undermining public confidence in City of South Fulton government.

(d) **Campaigning and Electioneering.**

- (1) City Council members may endorse candidates for any City Council seat or any other elected office.
- (2) City Council members shall not endorse any candidate for public office at or during an official City event or meeting.
- (3) City Council members shall refrain from mentioning anything regarding campaigns or any political activity at any official City event or meeting.

**(e) Public Comments by City Council Members.**

- (1) The opinions of City Council members can be attributed as opinions of the entire City governing authority. City Council members shall use caution when delivering an opinion whether in open meeting, in conversations, or through correspondence.
- (2) If a Council member appears in an official capacity at any meeting, board, commission, agency, or organization to give a statement or testimony, the Council member shall clearly delineate between the council member's personal opinion and the affirmative statements or opinions expressed by the City's governing body.

**(f) Decorum for City Council Meetings.** The following protocols shall be observed for City Council meetings:

- (1) City Council members shall respect the Mayor, fellow City Council members, City staff, and members of the general public.
- (2) City Council members shall be punctual and keep comments germane to the subject matter being discussed.
- (3) City Council members shall practice civility, professionalism, and decorum in discussions and debate.
- (4) City Council members shall voice objections politely.
- (5) City Council members shall refrain from actions that indicate partiality, prejudice or disrespect toward any speaker or person appearing before the City Council.
- (6) City Council members shall refrain from making belligerent, derogatory, impertinent, slanderous, threatening, abusive, or disparaging comments.
- (7) City Council members shall refrain from shouting or physical actions that could be construed as threatening.

**(g) Standards of Conduct for City Council Members in the Use of Social Media.** The Code of Conduct for the Mayor and City Council requires members to act with decorum at City Council meetings and treat the Mayor, each other, the public and City staff with respect (Sec. 2-4012 (f)). These standards of conduct transfer and apply directly to a City Council's member's use of social media.

- (1) **Definition of Social Media.** Social Media refers to freely accessible, third party hosted, interactive Internet technologies used to produce, post and interact through text, images, video, and audio to inform, share, promote, collaborate or network. A non-exhaustive list of examples of social media includes: Twitter, Facebook, Instagram, Snapchat, YouTube and LinkedIn.



(2) Prohibitions on Use of Social Media. City Council members:

- (A) Shall not, via social media, intentionally or inadvertently post confidential information, particularly information arising from closed sessions of Council or committees;
- (B) Shall not use social media as a platform to treat members of the public, one another, or staff without respect;
- (C) Shall not use social media to engage in or encourage harassment, intimidation, bullying, or shaming of other fellow City Council members;
- (D) Shall not use social media to engage in criticism of City staff;
- (E) Shall not, through the use of a conduit, engage in any activities set forth in 1-4 above.

(h) Exclusion of Mayor and City Council Members from Staff Meetings. The Mayor and members of the City Council may not attend or be present at any staff meetings conducted by the City Manager with city officers or employees to the extent that their absence conforms to the requirements of the City Charter.

**Sec. 1-5013. - Reserved.**

**Sec. 1-5014. - Reserved.**

**Sec. 1-5015. - Candidates: honesty in applications for positions.**

No person seeking to become a public official, employee, contractor, volunteer or appointee to any public position shall make any false or materially misleading statement, certificate, mark, rating or report in regard to any test, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connection with employment or service with the city or in connection with a work-related contract or service of any City Official.

**Sec. 1-5016. - Financial disclosure statement—Filing.**

Financial disclosure statements shall be filed as required by state law.

**Sec. 1-5017. - Reserved.**

**Sec. 1-5018. - Reserved.**

**Sec. 1-5019. - Reserved.**

**Sec. 1-5020. - Reserved.**

**Sec. 1-5021. - Reserved.**

**Sec. 1-5022. - Reserved.**

**Sec. 1-5023. - Reserved.**

**Sec. 1-5024. - Reserved.**

**Sec. 1-5025. - Reserved.**

**Sec. 1-5026. - Reserved.**

**Sec. 1-5027. - Reserved.**

**Sec. 1-5028. - Reserved.**

**Sec. 1-5029. - Reserved.**

**Sec. 1-5030. - Severability.**

If any provision of this chapter is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal, state or city charter provision now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such provision, the conflicting provision of this chapter shall be considered a separate, distinct and independent part of this chapter, and such holding shall not affect the validity and enforceability of this chapter as a whole, or any part other than the part declared to be invalid.

- (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this chapter are or were, upon their enactment, believed by the mayor and council to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this chapter is severable from every other section, paragraph, sentence, clause or phrase of this chapter. It is hereby further declared to be the intention of the mayor and council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this chapter is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this chapter.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this chapter shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the mayor and council that such invalidity, unconstitutionally or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the chapter and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the chapter shall remain valid, constitutional, enforceable, and of full force and effect.



The foregoing Ordinance No. **2017-031** was adopted on **November 28, 2017**, was offered by **Mayor Pro Tem Rowell**, who moved its approval. The motion was seconded by Councilmember **Baker**, and being put to a vote, the result was as follows:

**“SECOND READING”**

	AYE	NAY
William “Bill” Edwards, Mayor	<hr/>	<hr/>
Catherine Foster Rowell, Mayor Pro Tem	<hr/> √	<hr/>
Carmalitha Lizandra Gumbs	<hr/> √	<hr/>
Helen Zenobia Willis	<hr/> √	<hr/>
Gertrude Naeema Gilyard (Not Present)	<hr/>	<hr/>
Rosie Jackson	<hr/> √	<hr/>
khalid kamau	<hr/>	<hr/> √
Mark Baker	<hr/> √	<hr/>

THIS RESOLUTION adopted this 28<sup>TH</sup> day of November 2017.

CITY OF SOUTH FULTON, GEORGIA.

“SECOND READING”



WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY